



General Assembly

Substitute Bill No. 347

February Session, 2010

* ____SB00347GAE__032510__ *

**AN ACT CONCERNING CONTRACTUAL BIDDING PREFERENCES
FOR VETERAN-OWNED BUSINESSES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (c) of section 4a-59 of the 2010 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2010*):

4 (c) All open market orders or contracts shall be awarded to (1) the
5 lowest responsible qualified bidder, the qualities of the articles to be
6 supplied, their conformity with the specifications, their suitability to
7 the requirements of the state government and the delivery terms being
8 taken into consideration and, at the discretion of the Commissioner of
9 Administrative Services, life-cycle costs and trade-in or resale value of
10 the articles may be considered where it appears to be in the best
11 interest of the state, (2) the highest scoring bidder in a multiple criteria
12 bid, in accordance with the criteria set forth in the bid solicitation for
13 the contract, or (3) the proposer whose proposal is deemed by the
14 awarding authority to be the most advantageous to the state, in
15 accordance with the criteria set forth in the request for proposals,
16 including price and evaluation factors. Notwithstanding any provision
17 of the general statutes to the contrary, each state agency awarding a
18 contract through competitive negotiation shall include price as an
19 explicit factor in the criteria in the request for proposals and for the

20 contract award. In considering past performance of a bidder for the
21 purpose of determining the "lowest responsible qualified bidder" or
22 the "highest scoring bidder in a multiple criteria bid", the
23 commissioner shall evaluate the skill, ability and integrity of the
24 bidder in terms of the bidder's fulfillment of past contract obligations
25 and the bidder's experience or lack of experience in delivering
26 supplies, materials, equipment or contractual services of the size or
27 amount for which bids have been solicited. In determining the lowest
28 responsible qualified bidder for the purposes of this section, the
29 commissioner may give a price preference of up to ten per cent for (A)
30 the purchase of goods made with recycled materials or the purchase of
31 recyclable or remanufactured products if the commissioner determines
32 that such preference would promote recycling or remanufacturing; [. As used in this subsection, "recyclable" means able to be collected,
33 separated or otherwise recovered from the solid waste stream for
34 reuse, or for use in the manufacture or assembly of another package or
35 product, by means of a recycling program which is reasonably
36 available to at least seventy-five per cent of the state's population,
37 "remanufactured" means restored to its original function and thereby
38 diverted from the solid waste stream by retaining the bulk of
39 components that have been used at least once and by replacing
40 consumable components and "remanufacturing" means any process by
41 which a product is remanufactured;] (B) the purchase of motor
42 vehicles powered by a clean alternative fuel; (C) the purchase of motor
43 vehicles powered by fuel other than a clean alternative fuel and
44 conversion equipment to convert such motor vehicles allowing the
45 vehicles to be powered by either the exclusive use of clean alternative
46 fuel or dual use of a clean alternative fuel and a fuel other than a clean
47 alternative fuel; [. As used in this subsection, "clean alternative fuel"
48 shall mean natural gas or electricity when used as a motor vehicle fuel;
49 or] (D) the purchase of goods or services from micro businesses; [. As
50 used in this subsection, "micro business" means a business with gross
51 revenues not exceeding three million dollars in the most recently
52 completed fiscal year] or (E) the purchase of goods or services from a
53 veteran-owned business. All other factors being equal, preference shall
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55 be given to supplies, materials and equipment produced, assembled or
56 manufactured in the state and services originating and provided in the
57 state. If any such bidder refuses to accept, within ten days, a contract
58 awarded to such bidder, such contract may be awarded to the next
59 lowest responsible qualified bidder or the next highest scoring bidder
60 in a multiple criteria bid, whichever is applicable, and so on until such
61 contract is awarded and accepted. If any such proposer refuses to
62 accept, within ten days, a contract awarded to such proposer, such
63 contract shall be awarded to the next most advantageous proposer,
64 and so on until the contract is awarded and accepted. There shall be a
65 written evaluation made of each bid. This evaluation shall identify the
66 vendors and their respective costs and prices, document the reason
67 why any vendor is deemed to be nonresponsive and recommend a
68 vendor for award. A contract valued at one million dollars or more
69 shall be awarded to a bidder other than the lowest responsible
70 qualified bidder or the highest scoring bidder in a multiple criteria bid,
71 whichever is applicable, only with written approval signed by the
72 Commissioner of Administrative Services and by the Comptroller. The
73 commissioner shall submit to the joint standing committee of the
74 General Assembly having cognizance of matters relating to
75 government administration, the State Auditors and the Comptroller,
76 an annual report of all awards made pursuant to the provisions of this
77 section. As used in this subsection, (i) "recyclable" means able to be
78 collected, separated or otherwise recovered from the solid waste
79 stream for reuse, or for use in the manufacture or assembly of another
80 package or product, by means of a recycling program which is
81 reasonably available to at least seventy-five per cent of the state's
82 population, (ii) "remanufactured" means restored to its original
83 function and thereby diverted from the solid waste stream by retaining
84 the bulk of components that have been used at least once and by
85 replacing consumable components, (iii) "remanufacturing" means any
86 process by which a product is remanufactured, (iv) "clean alternative
87 fuel" means natural gas or electricity when used as a motor vehicle
88 fuel, (v) "micro business" means a business with gross revenues not
89 exceeding three million dollars in the most recently completed fiscal

90 year, and (vi) "veteran-owned business" means any business of which
91 at least fifty-one per cent of the ownership is held by one or more
92 veterans, as defined in subsection (a) of section 27-103.

93 Sec. 2. Subsection (a) of section 4b-91 of the 2010 supplement to the
94 general statutes is repealed and the following is substituted in lieu
95 thereof (*Effective October 1, 2010*):

96 (a) Every contract for the construction, reconstruction, alteration,
97 remodeling, repair or demolition of any public building or any other
98 public work by the state except a public highway or bridge project or
99 any other construction project administered by the Department of
100 Transportation, which is estimated to cost more than five hundred
101 thousand dollars, except a contract awarded by the Commissioner of
102 Public Works for (1) a community court project, as defined in
103 subsection (j) of section 4b-55, (2) the downtown Hartford higher
104 education center project, as defined in subsection (l) of section 4b-55,
105 (3) a correctional facility project, as defined in subsection (m) of section
106 4b-55, (4) a juvenile detention center project, as defined in subsection
107 (n) of section 4b-55, or (5) a student residential facility for the
108 Connecticut State University System that is a priority higher education
109 facility project, as defined in subsection (f) of section 4b-55, shall be
110 awarded to the lowest responsible and qualified general bidder who is
111 prequalified pursuant to section 4a-100 on the basis of competitive bids
112 in accordance with the procedures set forth in this chapter, after the
113 Commissioner of Public Works or, in the case of a contract for the
114 construction of or work on a building or other public work under the
115 supervision and control of the Joint Committee on Legislative
116 Management of the General Assembly, the joint committee or, in the
117 case of a contract for the construction of or work on a building or other
118 public work under the supervision and control of one of the
119 constituent units of the state system of higher education, the
120 constituent unit, has invited such bids by notice posted on the State
121 Contracting Portal. Every contract for the construction, reconstruction,
122 alteration, remodeling, repair or demolition of any public building or
123 any other public work by a public agency that is paid for, in whole or

124 in part, with state funds and that is estimated to cost more than five
125 hundred thousand dollars, except a public highway or bridge project
126 or any other construction project administered by the Department of
127 Transportation, shall be awarded to a bidder that is prequalified
128 pursuant to section 4a-100 after the public agency has invited such bids
129 by notice posted on the State Contracting Portal. The Commissioner of
130 Public Works, the joint committee, the constituent unit or the public
131 agency, as the case may be, shall indicate the prequalification
132 classification required for the contract in such notice. In determining
133 the lowest responsible and qualified general bidder for the purposes of
134 this section, the Commissioner of Public Works may give a price
135 preference of up to ten per cent for a bidder that is a veteran-owned
136 business. As used in this section, "prequalification classification"
137 means the prequalification classifications established by the
138 Commissioner of Administrative Services pursuant to section 4a-100, [. As used in this section,] "public agency" means public agency, as
139 defined in section 1-200, and "veteran-owned business" means any
140 business of which at least fifty-one per cent of the ownership is held by
141 one or more veterans, as defined in subsection (a) of section 27-103.
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143 Sec. 3. Section 13a-95 of the general statutes is repealed and the
144 following is substituted in lieu thereof (*Effective October 1, 2010*):

145 The commissioner may, at any time, call for bids to construct, alter,
146 reconstruct, improve, relocate, widen or change the grade of sections
147 of state highways or bridges. All bids shall be submitted on forms
148 provided by the commissioner and shall comply with the rules and
149 regulations provided in the bid specifications. The commissioner shall
150 state the amount of the bond which shall accompany each bid and
151 shall name the place where bids shall be received and the time and
152 place for opening the same. Each bid shall be accompanied by a surety
153 company bond satisfactory to the commissioner and in such sum as
154 the commissioner determines, and shall be so conditioned that, if the
155 contract is awarded to the bidder, such bidder shall, when required by
156 the commissioner, execute an agreement in writing, to be prepared by
157 said commissioner, with such bond as shall be acceptable to the

158 commissioner, conditioned as provided in section 49-41. The
 159 commissioner may reject any and all bids if, in the commissioner's
 160 opinion, cause exists therefor; but otherwise the commissioner shall
 161 award the contract to the lowest bidder deemed to be responsible. In
 162 determining the lowest responsible bidder, the commissioner may give
 163 a price preference of up to ten per cent for a bidder that is a veteran-
 164 owned business. The successful bidder shall give evidence satisfactory
 165 to said commissioner of such bidder's ability to perform the contract.
 166 When such contract is executed by the commissioner and the
 167 successful bidder, a copy of the contract, with an estimate of the cost of
 168 the work, shall be immediately filed with the commissioner. For
 169 purposes of this section, "veteran-owned business" means any business
 170 of which at least fifty-one per cent of the ownership is held by one or
 171 more veterans, as defined in subsection (a) of section 27-103.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2010	4a-59(c)
Sec. 2	October 1, 2010	4b-91(a)
Sec. 3	October 1, 2010	13a-95

VA *Joint Favorable Subst. C/R*

GAE

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